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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,424	04/10/2006	Yang Peng	2003P00723WOUS	3752
24737	7590	10/24/2011		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS				
P.O. BOX 3001				
BRIARCLIFF MANOR, NY 10510				
EXAMINER				
POPHAM, JEFFREY D				
ART UNIT		PAPER NUMBER		
2491				
NOTIFICATION DATE		DELIVERY MODE		
10/24/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/575,424

Applicant(s)

PENG ET AL.

Examiner

JEFFREY D. POPHAM

Art Unit

2491

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 11 October 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

/JEFFREY D POPHAM/
Primary Examiner, Art Unit 2491

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant argues that Kambayashi does not teach the public key being stored on the DVD. As Uranaka was used in rejecting this limitation, this argument is moot.

Applicant argues that Uranaka does not teach a public key being provided on the same optical disk as the internal content. Applicant supports this argument by referring to Uranaka's disclosure of the server public key being stored on the DVD, and alleges that "The Examiner argues that it is enough to have any public key to be read from the DVD." To the contrary, Kambayashi discloses use of a server public key to authenticate data downloaded from the server. Uranaka discloses storing this server public key on the DVD together with the content. Therefore, the server public key of Uranaka is not merely "any public key" as Applicant believes, but precisely corresponds to the server public key of Kambayashi. Therefore, as described previously, the server public key in each of Kambayashi and Uranaka can be seen as the public key of the claims.

Applicant goes on to argue that "contrary to the claims, Uranaka teaches using the public key (PKs) stored in the DVD for encrypting NOT for "authenticating external media content", as recited in the claims of the present application." Once again, Kambayashi already teaches use of the server public key to authenticate external media content and this fact has not been argued. Therefore, the combination already teaches use of the server public key to authenticate external media content and Uranaka need not provide such redundant teachings. As one of ordinary skill in the art will readily recognize, Uranaka teaches providing the internal content and public key on the same optical disk (e.g. DVD), and Kambayashi teaches use of the public key to authenticate external media content, downloading of the external media content, authenticating the external media content, and outputting the internal media content in coordination with the downloaded authenticated external media content.

Applicant then goes on to argue that Kambayashi as modified by Uranaka does not teach the entirety of claim 20, such argument being moot in view of the above.

Continuation of 13. Other: Continuation of 7: The amendment made to the independent claims appear to overcome the 112 rejections made in the final office action, by stating "each downloadable external media content having been added with a private key", and the claims would be rejected in the same fashion as in the final office action dated 8/10/2011.